January 18, 2018

The Honorable Mitch McConnell  The Honorable Charles Schumer
Majority Leader  Minority Leader
United States Senate  United States Senate
Washington, D.C. 20510  Washington, D.C. 20510

The Honorable Thad Cochran  The Honorable Patrick Leahy
Chairman, Appropriations Committee  Vice Chairman, Appropriations Committee
United States Senate  United States Senate
Washington, D.C. 20510  Washington, D.C. 20510

The Honorable Richard Shelby  The Honorable Jeanne Shaheen
Chairman, Subcommittee on Commerce, Justice, and Science  Vice Chairman, Subcommittee on Commerce, Justice, and Science
United States Senate  United States Senate
Washington, D.C. 20510  Washington, D.C. 20510

Dear Senators:

The National Conference of State Legislatures (NCSL) respectfully requests consideration and approval of Vice Chairman Patrick Leahy’s amendment to the Senate’s fiscal year 2018 appropriations legislation restricting the U.S. Department of Justice (DOJ) from unnecessarily interfering with state marijuana laws. NCSL believes such a policy is consistent with federalism principals protecting states’ abilities to govern, while ensuring the health and public safety of all Americans.

While NCSL supports a strong intergovernmental partnership to fight illicit drugs, we also maintain that where states have made a policy choice to regulate marijuana and hemp, the federal government should respect those state decisions. Currently, 29 states, the District of Columbia, Guam and Puerto Rico allow for comprehensive public medical marijuana and cannabis programs. We recognize that states have differing views on how to treat marijuana, and believe states and localities are best able to determine what marijuana and hemp policies work best to improve the public safety, health and economic development of their communities.

NCSL supports the inclusion of Senator Leahy’s amendment language in fiscal year 2018 appropriations laws rescinding DOJ funds used to prosecute states that wish to implement their own laws regarding the use, distribution, possession or cultivation of marijuana for medical purposes. We also support the same enumerated states’ right to use, distribute, possess or cultivate marijuana for recreational purposes.

In closing, we reiterate our support for the inclusion of this limitation on the Department of Justice. We appreciate the difficult task before you and appreciate your consideration of our request. For additional information, please contact Susan Frederick (susan.frederick@ncsl.org / 202-624-3566) and Lucia Bragg (lucia.bragg@ncsl.org / 202-624-3576).

Sincerely,

The Honorable Gerald Malloy  The Honorable Timothy Johns
South Carolina Senate  South Dakota House of Representatives

Co-Chairs, NCSL Law, Criminal Justice & Public Safety Committee

CC: Members of the U.S. Senate